

The reaction to Mr Barnes' decision from the Stardust relatives was one of disbelief. A statement issued by the committee said: "Nothing has been done and nothing has been learned. It's a great shock to learn that nobody is accountable or responsible for the deaths of these children." The victims condemned the D.P.P.'s decision as "contradictory and dismissive" of the tribunal's findings.

Dr Michael Woods, who was a member of Government at the time, recalls that there was no option but to accept Mr Barnes' decision. "We would never question the D.P.P. – that's why you have an independent D.P.P. to make those decisions," says Woods today. "I can fully understand how people would feel about it but the D.P.P. has to see whether there is actually a criminal case to be met."

* * * *

In reaching his decision, the D.P.P. not only had the findings of the tribunal at his disposal, but also a comprehensive Garda report into the Stardust disaster. This confidential report, never released to the public but leaked to this book's authors, raises a number of interesting issues in relation to the Garda investigation.

To the credit of the gardaí, their report to the D.P.P. offered an exhaustive breakdown of possible causes of the fire. Every conceivable conspiracy theory was investigated, with gardaí paying particular attention to remarks made to the media by surviving patrons. Rumours of a malicious origin were rife, partly fuelled by the presence of the four teenagers on the roof of the complex just hours before the fire. However, investigating gardaí were satisfied that the youths' only purpose was to try and gain free admission to the Stardust. As had been earlier outlined to the tribunal, gardaí accepted that the youths concerned had left the Stardust at least one-and-a-half hours before the fire.

A theory that the fire had been started by local gangs was also explored in detail. In the course of the Garda investigation, it came to light that a group of youths from the Edenmore area, known as the "Dragon Gang", had attended the disco on the night of the fire. Although there were about forty-three members of the gang, mostly

aged about 17 and 18, it was established that only sixteen of them had attended the Stardust on February 13, 1981. One member of the gang, Robert Kelly, had perished in the fire.

The rumour circulating at Belton's pub on Collins Avenue was that the Dragon Gang had started the fire. This unfounded theory was thought to have originated from the fact that one member of the gang, Patrick Morgan, had received a present of a cigarette lighter from his sister for Christmas. He later told gardaí that he had the lighter with him on the night of the fire and used it quite frequently for cigarettes. The members of the gang had been sitting at a table beside the passageway which separated them from the tables immediately outside the screened-off area in the west alcove. All sixteen members of the gang were thoroughly interrogated by gardaí and gave detailed statements. No information was elicited to throw suspicion on any member of the gang of involvement in causing the fire.

During the questioning of members of the Dragon Gang, the existence of another group of youths from the Harmonstown area, known as the "Soap Gang", came to the attention of gardaí. Apparently there was some degree of rivalry between the Dragon Gang and the Soap Gang, and the scene had been set for a major confrontation at the Stardust disco on the night of February 13. Gardaí established that members of the Harmonstown gang did attend that night, but the expected fracas did not materialise. In fact, it was learned that members of both gangs settled their differences peacefully and parted on amicable terms.

Ten months after the Stardust tragedy, an incident involving two members of the Dragon Gang at the Shieling Hotel in Raheny was investigated by gardaí. On November 11, 1981, members of the gang were refused admission to a disco in the hotel. They went around to the rear of the hotel and threw bricks and stones through the windows. Two members of the gang were identified by doormen as having caused the damage and were charged by gardaí. At the same time, two exit doors of the hotel were set alight from the outside. Gardaí were never able to establish who set fire to the doors and no charges were ever preferred against any member of the Dragon Gang for the potentially serious arson attempt. However, in view of the incident, the two members of the gang charged with breaking the

windows were questioned in relation to the Stardust fire. Nothing emerged to connect either youth with the blaze. In fact, one of the teenagers was working aboard the "Connaught" car ferry on the night of the disaster.

In the days immediately following the Stardust fire, as the community tried desperately to come to terms with the tragedy, many survivors and their relatives sought hate figures on whom to pin the blame. There were many slanderous accusations: a number of individuals were named as having started the fire, some of whom were still recovering from their injuries in hospital. Gardaí nevertheless had to follow up what they called "loose talk" about every named individual, however spurious the claim. A number of victims were interviewed by gardaí in their hospital beds. In the end, there was nothing to connect any of them with the probable causes of the fire.

Some of the stories spun to gardaí were simply untrue but, in the blur of grief, had become accepted as fact on the streets of Coolock. One woman claimed that, as she fled from the Stardust, she saw a youth on the stage and heard him shout: "Let them all burn!" Gardaí initially gave credence to this story, as it was corroborated by the woman's sister. However, both women later admitted that this information was untruthful.

In the Garda report to the D.P.P. on the Stardust tragedy, it is clear that no evidence of the fire being started maliciously was ever uncovered during the course of the investigation. Local police informers, who had proved reliable in the past, were contacted by gardaí on numerous occasions but were unable to come up with any useful information into the cause of the fire.

Put simply, gardaí never believed the fire was started maliciously and had been taken by surprise by the tribunal's findings. Commenting on the tribunal report, a Garda spokesman said their inquiries would only be reactivated if new evidence could be produced to strengthen the arson theory. Senior gardaí pointed to the fact that practically all of the patrons attending the disco on the night lost relatives or friends in the fire. "In the course of our investigation it has been stated a number of times to our members that if anyone was in possession of any item of information which would be of assistance to the gardaí concerning the Stardust fire

disaster, it would most willingly be passed on to them," the Garda report stated. "Nothing has come to notice which would indicate how the fire started."

However, a number of intriguing statements were made to gardaí which seem to point to an accidental fire at the Stardust. Despite their undisputed relevance to the investigation, they are not mentioned in the tribunal report. Some of these statements claim that patrons experienced excessive heat in the west alcove area of the Stardust in the weeks before February 13, 1981.

In early December 1980, James Murphy noticed a strong smell of rubber burning in the Stardust. This had been noticed on a few occasions previously by Declan Burnett, although he could not define the "unusual" smell. He believed the smell could have come from the air vent over the main bar. Doorman Phelim Kinahan remembered James Murphy telling him about the smell, which he described as "very bad". When he turned off the heaters, the smell dissipated. He reported the matter to Eamon Butterly. The next day, Butterly complained that he had to buy a new motor for the heater which had cost him "a fortune". Waitresses at the Stardust had also noticed the burning rubber smell. Some were satisfied that it came from a vent in the ceiling. In her statement to gardaí, Michelle Murray said she often heard the young fellows who washed the glasses asking the barmen if they could smell something burning.

A sighting of smoke was made by Declan Burnett just before Christmas, 1980. He recalled seeing a light smoke or mist of some kind on the balcony, which was curtained off. He was told by a superior to look under the seats in case there was a cigarette or something smouldering.

Approximately three weeks before the fire, smoke was also observed by staff near the main bar, which directly adjoined the west alcove. Although the exact date is unknown, those interviewed agreed it was a Sunday night. Jack Walsh, assistant manager of the Stardust, observed smoke on the left side of the main bar, which he said was reflected in a large spotlight. He reported the matter to the bar manager, Brian Peel, who immediately investigated the matter. According also to Peel, the smoke was showing up in the light of the spotlight. He went to the sound room and removed a couple of panels from the ceiling. He put his head through to have a look but could

find nothing wrong. Peel formed the opinion that the smoke was simply dust.

Doorman Michael Kavanagh told gardaí that, three or four weeks before the fire, he took up duty at the Stardust between 9 p.m. and 9.30 p.m. He noticed several of the staff searching around the complex with torches; they appeared to him to be very concerned. He saw what he thought was smoke all around the general area of the main bar. It was faint and there was no smell. He said the commotion over the smoke was almost over by the time he arrived.

A waitress, Patricia Gallagher, also saw smoke coming from the direction of the light control room about three weeks before the tragedy. She described it as "thick smoke, like a light mist". She recalled that "the people in charge got very concerned about it". Around the same period, staff member Pauline McConalogue also saw what looked like cigarette smoke beside the lighting room. Again, there was no smell from it.

Another employee, Patrick Lennon, told gardaí that on a Sunday night about a month before the disaster he saw what he thought was smoke coming from the front of the light control room. He got a lamp and went up on the catwalk in the main bar to examine the ceiling. He found nothing wrong but, just to be certain, went outside to check. Again, everything seemed fine. When the spotlight and the fan were turned off, Lennon told gardaí that he could hardly see any smoke. He came to the conclusion that what he thought was smoke was in fact dust caused by the fans.

Barman Gerard Guilfoyle also recalled the incident. He said that after a full check, staff decided it was simply dust. He added, however, that in his two years working in the Stardust he had never seen dust like that before.

One Sunday night, around four weeks before the fire, waitress Elaine Stapleton was working in the Lantern Rooms and went into the Stardust for her break at 9.45 p.m. She saw smoke coming from the top of the main bar and going in a line across the ballroom towards the stage. She was satisfied it was not cigarette smoke, dust or fog.

Barman Larry Neville was also working on a Sunday night in late January 1981. He noticed something like smoke collecting on the beam of the spotlight and thought it was unusual. He went to the Silver Swan bar where he had been working and after about five

minutes was approached by Gerard Guilfoyle, who wanted to show him something in the Stardust. On entering the ballroom, Guilfoyle asked him: "Does that look like smoke to you?"

Patrick Joseph McGrath, a maintenance man, was informed of the smoke incident by the assistant manager of the Stardust about three weeks prior to the fire. Jack Walsh told him smoke had been seen the previous night at the back of the club and was thought to have originated from the heating duct. McGrath replied that this was impossible, as the heat in that section of the club had been out of order for some time.

Numerous other members of staff reported seeing smoke around the same period. In each case, no-one could smell anything. Gardaí also heard claims of excessive heat originating in the west alcove area of the Stardust just weeks before the tragic blaze.

On Sunday, January 25, 1981, Joseph Coughlan was enjoying a lads' night out at the Stardust disco. He and his friends were sitting in the west alcove area, where the fire is thought to have started three weeks later. During the course of the night they could feel heavy heat around them. In fact, it was so hot that their drinks became warm. One of the group, Peter McGovern, said he was unable to finish his drink because of the heat. Another friend, Paul Kealy, didn't take much notice of the heat but also recalled that their drinks became warm. Gardaí made extensive enquiries to locate other patrons who were seated in that section of the Stardust on the same night but failed to find them. However, eight other patrons made similar claims of excessive heat levels in the west alcove area on unspecified dates prior to the fire. They all agreed that the night in question was a Friday.

Almost exactly one month before the tragedy, on January 15, 1981, two major British bands of that time, The Beat and The Specials, played a sold-out concert at the Stardust. It was the height of what was known as the "Ska" music craze and the double bill was one of the most eagerly anticipated gigs ever held at the Stardust. Fiona Doherty attended the concert that night with two friends, sisters Susan and Mary McCluskey. Doherty told gardaí that when the first group started playing she heard a crackling noise above her and saw sparks in the ceiling, which she likened to the effect of sparks from bumper cars in an amusement centre. Sparks were also seen on the

ceiling by Susan McCluskey, which she described as purple flashes. Eamon McCann, who promoted that concert, later told gardaí that the public address system used that night was large by Irish standards. It was brought to the Stardust by the bands performing. The lighting system, he said, consisted of two "Geni" towers on each side of the stage. As far as he could remember, there were twenty 1,000-watt lights hanging from each tower. These would have reflected off the bands' instruments, he believed. McCann also claimed it would not have been possible to hear a crackling noise during the performance.

Just hours before the Stardust fire, at approximately 10.10 p.m., the neon strip-light on the adjoining Silver Swan bar was observed by Stephen Byrne to be dimming. He was on his way into the bar with John Fagan. Both men were electricians by trade. When Byrne saw the neon light fading, he formed the opinion that this was the result of a short in the circuit. He believed it could cause a fire and later told gardaí he was familiar with neon lighting.

Gardaí also took a statement from a member of staff, Marian Mulvanney, who reported a smell of some sort of oil in the ladies' toilets of the Lantern Rooms, just over ten minutes before the fire was first discovered in the Stardust. She mentioned this to Patricia Murray and Patricia Gaynor, who were with her in the toilets at the time. Both women remembered the incident, but neither one had noticed any smell. After investigating Mulvanney's claim, gardaí were satisfied that there was nothing to connect the incident with the fire. Because the window in the ladies' toilet in the Lantern Rooms faced out on to a car park, gardaí believed it was possible that Mulvanney had simply got a smell of leaked oil from a car or lorry. Despite the fact that gardaí had discounted the incident as irrelevant, Mulvanney would later repeat her claim in evidence when the Butterlys' case against Dublin Corporation for malicious damages was heard in court.

Then there was the evidence of taxi driver Robert O'Callaghan, whose version of events lent a puzzling twist to the investigation. According to the tribunal report, O'Callaghan said he picked up a fare at the Adelphi Cinema on Abbey Street at approximately 1.20 a.m. on the night of the fire. He brought the passenger to an area of Beaumont Road, near the Stardust. As he was waiting for the man

to get money from his house to pay him, he looked at the clock in the taxi and saw it was 1.30 a.m. He then drove towards the Stardust with a view to picking up a fare. As he came to the junction with Skelly's Lane, he saw flames above the Stardust building "about the size of a house". At this stage, he was approximately a hundred yards from the complex. He drove to the concreted area and parked his car on the west side of the building, outside the Lantern Rooms.

O'Callaghan said he could see disco lights and hear music. He then went towards the front of the building in the direction of the main entrance and saw people he described as elderly or middle-aged coming out the door with drinks in their hands. He told them there was a fire and they replied that they knew this. One of the patrons said he should get his taxi out of the way, so O'Callaghan reversed it. Although he remembered seeing at least one girl coming out screaming, he said she appeared to be more "over-excited" than anything else. He did not recall seeing any panic-stricken crowds in the area. Some girls asked Callaghan if he was a taxi man and he accordingly took them to their destinations and left the scene.

O'Callaghan's evidence raises a number of questions. He reported seeing flames shooting from the roof of the Stardust shortly after 1.30 a.m., yet the first sightings of the fire in the west alcove area of the Stardust were not until at least 1.40 a.m. On his arrival at the complex, the disco was apparently still underway, as he could see lights and hear music, yet his sighting of flames shooting from the roof would have indicated that, by then, the fire was at an advanced stage.

The Garda report to the D.P.P. was compiled in advance of the findings of the forensic experts brought in to investigate the cause of the fire. However, even the experts were divided on this issue, as outlined in the tribunal report. While far from offering conclusive evidence into the cause of the fire, many statements made to gardaí certainly give rise to reasonable suspicion that it could have started accidentally. Clearly, there were problems associated with either the heating system or the lighting room. The tribunal report made a brief reference to Stardust staff noticing smoke three or four weeks before the fire but concluded: "They were satisfied that what they had seen was not smoke and was probably dust." This is at variance with at least one statement given to gardaí by a member of staff who

believed that what she saw was not fog, dust or cigarette smoke. Nor does the tribunal report deal with the allegations of excessive heat experienced in the west alcove area just weeks before the fire.

For the owners of the Stardust, the finding of the tribunal that the fire was "probably malicious" was most welcome. It exonerated them of much of the blame for the tragedy and paved the way for a successful malicious damages claim against Dublin Corporation.

However, the report submitted to the D.P.P. by gardaí opens the possibility that the cause of the Stardust fire might not have been malicious, but a result of faulty wiring or a defective heating system.

* * * *

There are references to the Garda investigation in the hundreds of pages of the final tribunal report, but no mention of many of the eyewitness accounts described above. Could the tribunal have considered them to be irrelevant? Did the tribunal have access to all of the statements that were given to the Director of Public Prosecutions? If such evidence was in fact made available to the tribunal during its sittings, why was it excluded from the final report?